

## PROSECUTION TEAM EVIDENCE LIST

The following items are evidence for the Central Valley Regional Water Quality Control Board hearing regarding Administrative Civil Liability Complaint No. R5-2017-0504, Sweeney Dairy, Tulare County. This matter is scheduled to be heard at the 6/7 April 2017 Central Valley Water Board hearing in Clovis.

Exhibit	Title of Document	Location
1	ACLO R5-2011-0068	Sweeney Dairy public file, available at: <a href="http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2011-0068_enf.pdf">http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2011-0068_enf.pdf</a>
2	ACLO R5-2012-0070	Sweeney Dairy public file, available at: <a href="http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2012-0070_enf.pdf">http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2012-0070_enf.pdf</a>
3	ACLO R5-2013-0091	Sweeney Dairy public file, available at: <a href="http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2013-0091_aclo.pdf">http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2013-0091_aclo.pdf</a>
4	ACLO R5-2014-0119	Sweeney Dairy public file, available at: <a href="http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2014-0119_aclo.pdf">http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2014-0119_aclo.pdf</a>
5	ACLO R5-2015-0065	Sweeney Dairy public file, available at: <a href="http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2015-0065_aclo.pdf">http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2015-0065_aclo.pdf</a>
6	ACLO R5-2016-0063	Sweeney Dairy public file, available at: <a href="http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2016-0063_aclo.pdf">http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2016-0063_aclo.pdf</a>
7	Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122	Exhibit A to the Complaint Available at: <a href="http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0122.pdf">http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0122.pdf</a>
8	Notice of Violation Issued 15 August 2016	Attached to the Complaint as Exhibit B
9	Pre-ACL Settlement Letter Issued 1 December 2016	Attached to the Complaint as Exhibit C
10	Signed certified mail return receipt of 15 August 2016 NOV	Attached

Sweeney Dairy  
Prosecution Team Evidence List

- 2 -

Exhibit	Title of Document	Location
11	United States Postal Service tracking receipt of 1 December 2016 Pre-ACLC letter	Attached
12	Compliance by Dairy Size for Submission of the 2015 Annual Report	Attached
13	Signed certified mail return receipt of ACLC R5-2017-0504	Attached
14	Economic Benefit Analysis Prepared by Bryan Elder on 23 December 2016	Attached
15	2015 Annual Reports for Dairies	Available at: California Integrated Water Quality System (CIWQS) <a href="https://ciwqs.waterboards.ca.gov">https://ciwqs.waterboards.ca.gov</a> and Electronic Content Management (ECM) Database accessible at the Central Valley Regional Water Quality Control Board Offices
16	12 August 2016 Inspection Report and NOV	Attached

**Exhibit 10**

Signed Certified Mail Return Receipt of 15 August 2016 NOV

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James G & Amelia M Sweeney  
Sweeney Dairy  
30712 Road 170  
Visalia, CA 93292-9588



9590 9403 0621 5183 6174 07

2. Article Number (Transfer from service label)

7015 1520 0000 9052 6425

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent  
☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

☒ Yes  
☒ No  
 If YES, enter delivery address below:

AUG 19 2016

3. Service Type

- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                         | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery     | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                         | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery      | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Collect on Delivery                     | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Mail Restricted Delivery (00)           |   |

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

**Exhibit 11**

United States Postal Service Tracking Receipt of 1 December 2016 Pre-ACL Settlement  
Letter

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## USPS Tracking®

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Tracking Number: 70151520000090526449

## Product &amp; Tracking Information

Postal Product:

Features:  
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
December 5, 2016 , 9:45 am	Delivered	VISALIA, CA 93291
Your item was delivered at 9:45 am on December 5, 2016 in VISALIA, CA 93291.		
December 3, 2016 , 10:55 am	Notice Left (No Authorized Recipient Available)	VISALIA, CA 93292
December 2, 2016 , 8:32 pm	Departed USPS Facility	BAKERSFIELD, CA 93380
December 2, 2016 , 10:54 am	Arrived at USPS Facility	BAKERSFIELD, CA 93380
December 1, 2016 , 10:35 pm	Departed USPS Facility	FRESNO, CA 93706
December 1, 2016 , 10:14 pm	Arrived at USPS Facility	FRESNO, CA 93706

## Available Actions

## Track Another Package

Tracking (or receipt) number

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**Exhibit 12**

Compliance by Dairy Size for Submission of 2015 Annual Report

### Compliance Rate for 2015 Annual Reports

Dairy Size (No. of mature cows)	No. of Dairies in Size Category	No. of 2015 Annual Reports Submitted	2015 Annual Report Compliance Rate
Large (<700)	704	703	99%
Medium (300 – 700)	258	255	99%
Small (<300)	135	125	93%

**Note:** Information gathered from California Integrated Water Quality System (CIWQS) 7 February 2017



**Exhibit 13**

Signed Certified Mail Return Receipt of ACLC R5-2017-0504

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

James G. and Amelia M. Sweeney (Owner/Operator)  
Sweeney Dairy  
30712 Road 170  
Visalia, CA 93292



9590 9402 1629 6053 1478 02

## 2. Article Number (Transfer from service label)

7016 1370 0000 0296 4501

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

01/18/17

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery

Mail

Mail Restricted Delivery

200

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

**Exhibit 14**

Economic Benefit Analysis Prepared by Bryan Elder on 23 December 2016

# Economic Benefit Analysis

Sweeney

Compliance Action	One-Time Non-Depreciable Expenditure				Non-Compliance Date	Compliance Date	Penalty Payment Date	Discount Rate	Benefit of Non-Compliance
	Amount	Basis	Date	Delayed?					
1 - Nutrient Monitoring, Process Wastewater	\$ 1,681.00	ECI	11/16/2016	N	7/2/2016	4/7/2017	4/7/2017	7.20%	\$ 924
2 - Nutrient Monitoring, Manure	\$ 616.00	ECI	11/16/2016	N	7/2/2016	4/7/2017	4/7/2017	7.20%	\$ 339
3 - Nutrient Monitoring, Plant Tissue	\$ 1,105.00	ECI	11/16/2016	N	7/2/2016	4/7/2017	4/7/2017	7.20%	\$ 607
4 - Nutrient Monitoring, Soil	\$ 40.00	ECI	11/16/2016	N	7/2/2016	4/7/2017	4/7/2017	7.20%	\$ 22
5 - Nutrient Monitoring, Irrigation Water	\$ 659.00	ECI	11/16/2016	N	7/2/2016	4/7/2017	4/7/2017	7.20%	\$ 362
10 - Groundwater Monitoring, Irrigation & Domestic wells	\$ 242.00	ECI	11/16/2016	N	7/2/2016	4/7/2017	4/7/2017	7.20%	\$ 133
12 - Write and Submit Annual Report	\$ 1,200.00	ECI	11/16/2016	N	7/2/2016	4/7/2017	4/7/2017	7.20%	\$ 659

Income Tax Schedule: For-Profit (Other than C-Corporation) Analyst: Bryan Elder Total Benefit: \$ 3,047  
 USEPA BEN Model Version: Version 5.6.0 (April 2016) Date/Time of Analysis: 12/23/2016 8:06

## Assumptions:

- 1 Cost estimates provided by Regional Board staff.
- 2 All costs indexed using Employment Cost Index (ECI).
- 3 Non-compliance dates for each compliance action is the deadline to submit to the Regional Board.
- 4 All compliance actions considered avoided by the Discharger.
- 5 The penalty payment date is assumed to be the tentative Regional Board hearing date.
- 6 The Discharger is assumed to operate as a for-profit entity, similar to a sole-proprietorship.

**Exhibit 15**

**2015 Annual Reports for Dairies**

can be viewed at:

**California Integrated Water Quality System (CIWQS)**

**<https://ciwqs.waterboards.ca.gov>**

**and**

**Electronic Content Management (ECM) Database Accessible at the Central Valley  
Regional Water Quality Control Board Offices**

**Exhibit 16**

**12 August 2016 Inspection Report and NOV**



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Central Valley Regional Water Quality Control Board

### NOTICE OF VIOLATION

12 August 2016

James G. and Amelia M. Sweeney (owner/operator)  
Sweeney Dairy  
30712 Road 170  
Visalia, CA 93292

**CERTIFIED MAIL**  
**7015 1520 0000 9052 5275**

#### **INSPECTION REPORT, SWEENEY DAIRY, WDID 5D545155N01, 30712 ROAD 170, VISALIA, TULARE COUNTY**

On 15 June 2016, Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff inspected the subject facility (Dairy) to assess compliance with the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order No. R5-2013-0122 (Reissued General Order) and Monitoring and Reporting Program No. R5-2013-0122 (MRP). The Reissued General Order, which was adopted by the Central Valley Water Board on 3 October 2013 in response to a Sacramento County Superior Court decision, replaces the Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2007-0035 (2007 General Order) and accompanying MRP. The Reissued General Order incorporates the key provisions, specifications, and requirements of the 2007 General Order and accompanying MRP. A Notice of Adopted Reissued General Order was issued to you by the Executive Officer on 1 November 2013 that notified you of the Dairy's coverage under the Reissued General Order.

The Central Valley Water Board inspector was accompanied by Mr. James Sweeney, Dairy owner and operator. The inspection was conducted by observing conditions of the animal housing facilities, feed and silage storage areas, and wastewater retention ponds from public roads and facility access ways.

The following conditions observed during the inspection process and subsequent file review appear to be in violation of the prohibitions, specifications, limitations, and/or provisions of the Reissued General Order.

- A depth marker indicating the minimum capacity necessary to contain runoff and direct precipitation from a 25-year, 24-hour storm event has not been installed at the Central Waste Water Pond, as required by Pond Specification C.3.
- Excessive vegetation along the northern, southern, and eastern sidewalls of the Central Waste Water Pond and in the Back Ponds is a violation of Pond Specification C.2.
- A nutrient management plan, including a nutrient budget for planned nutrient applications to land application areas, was not available for review at the time of the inspection, as required by the MRP, Record-Keeping Requirement B.1.

KARL E. LONGLEY SoD, P.E., CHAIR | PAMELA C. GREEDON P.E., BOEE, EXECUTIVE OFFICER

1685 E Street, Fresno, CA 93706 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

- Records of solid manure and wastewater applications were not available at the Dairy at the time of the inspection, as required by the MRP, Record-Keeping Requirements B.3.c and B.3.d.

The Central Valley Water Board has implemented a Paperless Office system that requires electronic submittal of information (ESI) to reduce our paper use, increase efficiency, and provide a more effective way for our staff, the public and interested parties to view case files and other file documents on the State Water Resources Control Board's Internet-accessible database system (Geotracker database).

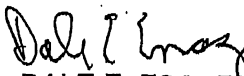
For submitting data and/or reports, Dischargers or their representatives will need to set up a Geotracker user account. Instructions for setting up an account and the process of claiming a site, formatting and uploading data, and other technical information can be found under the "ESI Overview" and "Getting Started" sections at [http://www.swrcb.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.swrcb.ca.gov/water_issues/programs/ust/electronic_submittal/).

Please convert all correspondence that you would normally submit to us as hard copies to a searchable Portable Document Format (PDF). Documents should be less than 100 MB to be uploaded to the Geotracker database. PDF file size reduction tools should be used to reduce the size of files larger than 100 MB (be sure to retain a copy of your original file just in case your reduced-size PDF results in unacceptable viewing clarity and you need to redo the size-reduction process using different reduction settings). To ensure that the uploaded documents are routed to appropriate staff as quickly as possible, the document name should include: "attention" (name of staff you have been working with) and "information in response to the letter dated" (date of the letter that requested information).

**By 23 September 2016**, upload the information listed below to the Geotracker database.

- Documentation that a depth marker has been installed at the Central Waste Water Pond.
- Documentation that excessive vegetation along the northern, southern, and eastern sidewalls of the Central Waste Water Pond and in the Back Ponds has been addressed.
- A nutrient management plan for the Dairy, including a nutrient budget for planned nutrient applications to land application areas, prepared by a qualified person in accordance with Attachment C, Contents of Nutrient Management Plan.
- A demonstration that solid manure and wastewater applications to land application areas at the Dairy are being recorded in accordance with the MRP, Record-Keeping Requirements B.3.c and B.3.d.

If you have any questions regarding this inspection, please contact Scott Moore by telephone at (559) 445-5170 or by email at [Scott.Moore@waterboards.ca.gov](mailto:Scott.Moore@waterboards.ca.gov).

  
DALE E. ESSARY, PE  
RCE No. 53216  
Senior Engineer  
Confined Animals Unit

Enclosure: Facilities Inspection Report

cc: Tulare County Resource Management Department, Visalia  
Tulare County Health & Human Services Agency, Visalia



OFFICE NO: 5F  
Inspector: V. S. Moore

## FACILITIES INSPECTION REPORT

Program Type: NON-15

5D545155N01 WDID NUMBER	JAMES G. AND AMELIA M. SWEENEY PARTY NAME	SWEENEY DAIRY PLACE NAME
NPDES NUMBER	30712 ROAD 170 STREET	30712 ROAD 170 STREET
16 06 B1 (YY) (MM) (TYPE) SCHEDULED INSP. DATE	VISALIA, CA CITY AND STATE	VISALIA, CA CITY AND STATE
16/06/15 ACTUAL INSP. DATE (YYMMDD)	JAMES SWEENEY CONTACT PERSON	JAMES SWEENEY ONSITE CONTACT PERSON
	(559) 594-5511 PHONE NO.	(559) 594-5511 PHONE NO.
Place ID: 259783	If this inspection is a Compliance inspection of an NPDES facility, send a copy of this report to SWRCB's Division of Water Quality, Program Support Unit.	
Party ID: 440907		

### INSPECTION TYPE (Check One)

- ☐ "A" type compliance – Comprehensive inspection in which samples are taken. (EPA Type S)
- ☒ "B" type compliance – A routine nonsampling inspection. (EPA Type C)
- ☐ Noncompliance follow-up – Inspection made to verify correction of previously identified violation.
- ☐ Enforcement follow-up – Inspection made to verify that conditions of an enforcement action are being met.
- ☐ Complaint – Inspection made in response to a complaint.
- ☐ Pre-requirement – Inspection made to gather information relative to preparing, modifying, or rescinding requirements.
- ☐ Miscellaneous – Any inspection type not mentioned above.

If this is an EPA inspection not mentioned above, please note type.  
(e.g. – biomonitoring, performance audit, diagnostic, etc)

(Type)

- YES Were VIOLATIONS noted during this inspection? (Yes/No/Pending Sample Results)
- NO Was this a Quality Assurance-Based Inspection? (Yes/No)
- NO Were bioassay samples taken? (Yes/No) (If yes, then Static or Flowthrough)

### INSPECTION SUMMARY (REQUIRED) (500 character limit)

I (Scott Moore) inspected the subject facility (Dairy) to assess compliance with the Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order No. R5-2013-0122 (Reissued General Order) and accompanying Monitoring and Reporting Program (MRP). The inspection was conducted by a review of record keeping documents and observing the conditions of the animal housing facilities, feed and waste storage areas, and wastewater retention ponds from public roads and facility access ways.

#### INSPECTOR'S DATA:

Staff Id: 138949

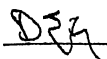
SIGNATURE: 

DATE

8/12/16

For Internal Use: Reviewed by:

(1)



(2)

(3)

CIWQS Entry Date: 6/15/16

Regional Board File Number:

CIWQS Inspection ID:

CIWQS Coordinator  
24815202

# FACILITIES INSPECTION REPORT

Page 2

## VIOLATION (IF APPLICABLE)

Date Violation Occurred (YYMMDD): \_\_\_\_\_

Date Violation Determined (YYMMDD): \_\_\_\_\_

160616

### DESCRIPTION (2000 CHARACTER LIMIT):

Conditions noted during the inspection process and summarized below appear to be in violation of the prohibitions, specifications, limitations, and/or provisions of the Reissued General Order:

- A depth marker indicating the minimum capacity necessary to contain runoff and direct precipitation from a 25-year, 24-hour storm event has not been installed at the Central Waste Water Pond, as required by Pond Specification C.3 (CIWQS VID 1011554).
- Excessive vegetation along the northern, southern, and eastern sidewalls of the Central Waste Water Pond and in the Back Ponds is a violation of Pond Specification C.2 (CIWQS VID 1011555).
- A nutrient management plan, including a nutrient budget for planned nutrient applications to land application areas, was not available for review at the time of the inspection, as required by the MRP, Record-Keeping Requirement B.1 (CIWQS VID 1011556).
- Records of solid manure and wastewater applications were not available at the Dairy at the time of the inspection, as required by the MRP, Record-Keeping Requirements B.3.c and B.3.d (CIWQS VID 1011559).

## EPA SUGGESTED CHECKLIST

(S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Evaluated)

\_\_\_\_ Permit      \_\_\_\_ Flow Measurement      \_\_\_\_ Pretreatment      \_\_\_\_ Operations and Maintenance  
\_\_\_\_ Records/Reports      \_\_\_\_ Laboratories      \_\_\_\_ Compliance Schedules      \_\_\_\_ Sludge Disposal  
\_\_\_\_ Facility Site Review      \_\_\_\_ Eff./Receiving Waters      \_\_\_\_ Self-Monitoring      \_\_\_\_ Other

\_\_\_\_ Overall Facility Operation Evaluation (5=Very reliable; 3=Satisfactory, 1=Unreliable)

### HISTORICAL INFORMATION

MOST RECENT ORDERS:		
ORDER NO.	DATE ADOPTED	TYPE
R5-2007-0035	05/03/2007	WDR

MOST RECENT INSPECTIONS:		
DATE	TYPE	VIOLATIONS?
03/21/2003	B1	Yes

MOST RECENT VIOLATIONS:	
VIOL. TYPE	DATE
Failure to submit 2010 annual report	08/16/2011
Late 2009 annual report, WMP	07/2/2010

## ADDITIONAL COMMENTS, SPECIAL INSTRUCTIONS, ITEMS FOR FOLLOWUP ON FUTURE INSPECTIONS, NOTES, ETC. (Attach additional pages, if necessary)

Mr. James Sweeney, owner and operator of the Dairy, was present during the inspection of the Dairy. The Dairy consists of a production area encompassing approximately 15 acres with approximately 66 acres of cropland available for waste application.

According to Mr. Sweeney, the Dairy currently houses approximately 280 milk cows and 35 to 40 dry cows (an approximate total of 320 mature cows), and 220 immature support stock housed in open corrals. Manure is collected primarily by scraping corral surfaces and feed lanes. Concrete alleys, unlined ditches, and subsurface piping provide drainage for surface water runoff from much of the production area to the wastewater retention system. No standing water was observed at any of the livestock corrals or feed and silage storage areas (see Attachment 1). Manure slurry

# FACILITIES INSPECTION REPORT

(Page 3)

is scraped from the feed lanes of the eastern livestock corrals and deposited on the ground surface at either end of the feed lane. Mr. Sweeney reported that the manure slurry is allowed to dry at these areas, and periodically removed for export or application to cropland associated with the Dairy.

The wastewater retention system at the Dairy consists of the Central Waste Water Pond immediately west of the corrals and Back Ponds 1 and 2 (Back Ponds), located along the north edge of the land application area to the north of the Dairy (see Attachment 1). The below-ground Central Waste Water Pond appeared to have at least five to six feet of available freeboard. No water was observed in the Back Ponds. According to Mr. Sweeney, the Back Ponds are used primarily to capture and redistribute storm water runoff, tail water from the adjacent land application area, and a secondary use is for wastewater storage in the event of an above average amount of precipitation during the rainy season.

The Central Waste Water Pond did not contain a depth marker as required by Pond Specification C.3 indicating the minimum capacity necessary to contain runoff and direct precipitation from a 25-year, 24-hour storm event. A depth marker needs to be installed. The Central Waste Water Pond contained excessive vegetation along its southern, northern, and eastern sidewalls, which is a violation of Pond Specification C.2 (see Photograph 1). Additionally, the Back Ponds were highly vegetated (see Photograph 2). Vegetation needs to be removed from the Central Waste Water Pond and the Back Ponds.

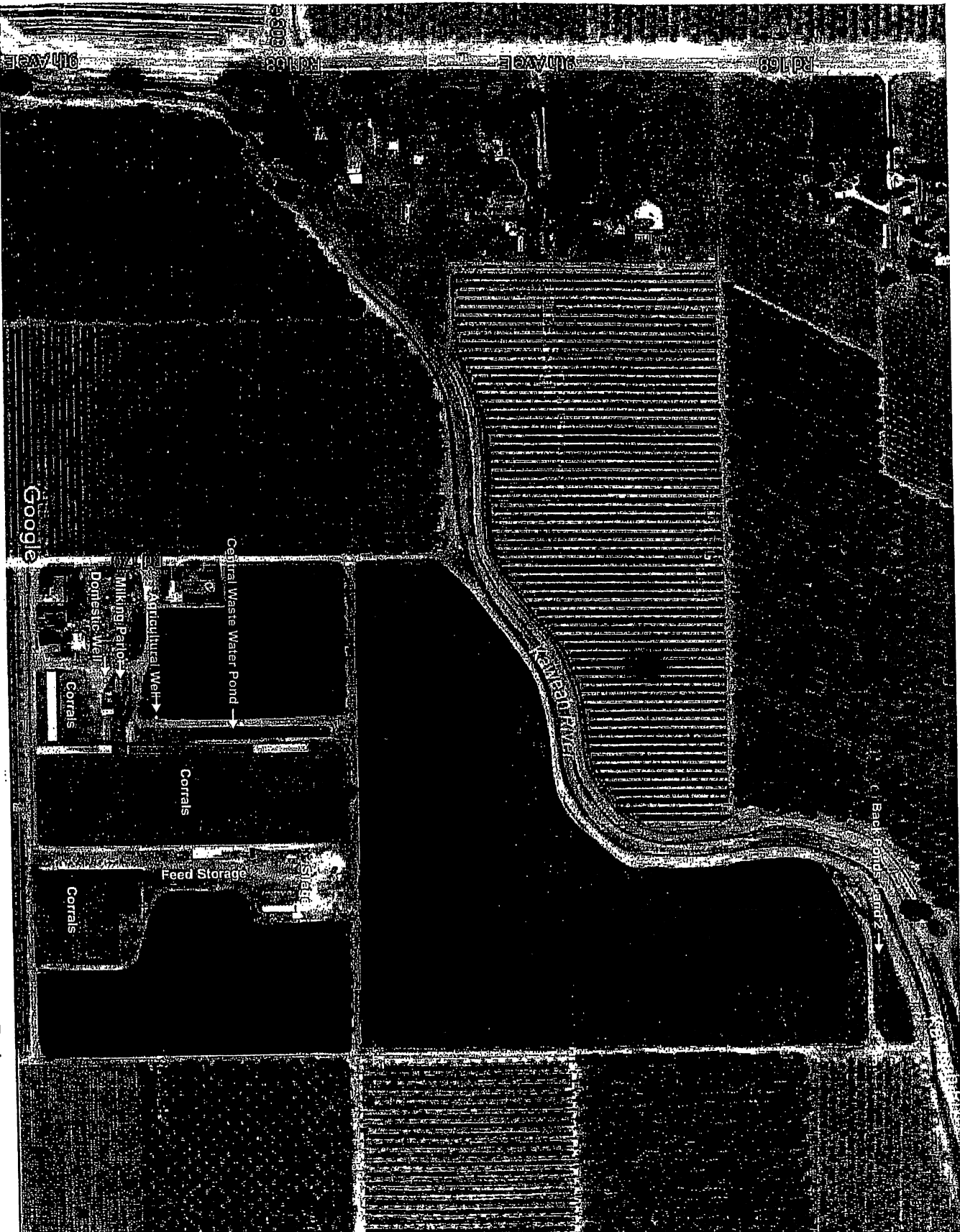
According to the Preliminary Dairy Facility Assessment (PDFA) submitted for the Dairy on 17 September 2007, the capacity of the wastewater retention system (approximately 7.5 million gallons) is sufficient for the wastewater generated by the Dairy herd and surface water run-off from manured areas during a 120-day storage period including a 24-hour, 25-year storm event (approximately 2.3 million gallons). The PDFA calculations were made based upon a maximum herd of 303 mature cows (comparable to the maximum allowable mature herd size of 334 mature cows) and 285 immature support stock, normal rainfall times a factor of 1.5, and surface water run-off from approximately two acres of the approximately 16-acre production area draining to the wastewater retention system.

Based on staff review of Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel 0955 of 2550, Map Number 06107C0955E, dated 6 June 2009, the production area of the Dairy is within Zones X and AE, and is located outside of areas affected by a 100-year peak storm event. Zone X represents areas having a 0.2% chance (500-year flood) of flooding and areas prone to flooding during a 100-year flood with depths of less than one foot. Zone AE represent areas prone to flooding during a 100 year flood event that do not have a base flood elevation determination.

A planned nutrient budget was not available for review at the time of the inspection. Records of cumulative nutrient applications for the crops currently being grown at the land application areas were not available at the time of the inspection. According to Mr. Sweeney, the most recent nutrient management plan for the facility was prepared around 2007.

Records of solid manure and wastewater applications were not available at the Dairy at the time of the inspection.

Two wells, an agricultural well and a domestic well, were observed in the production area. The domestic well is immediately south of the milking parlor and the agricultural well is just northeast of the milking parlor (see Attachment 1). Both wells were inspected and as result, no damage to the wells was observed and there were no backflow issues. According to the well setback plan prepared for the Dairy, wastewater is not applied to field checks within 100 feet of the agricultural well. Raised levees and farm access roads are between land application areas and the Kaweah River.



Shown in this attachment are ponds, corrals, wells, and other features associated with the Sweeney Dairy.



Central dairy waste water pond looking to the south. Vegetation observed growing along the eastern, southern, and northern sidewalls.

**PHOTOGRAPH - 1**



Back Ponds looking to the west. Vegetation observed growing throughout the ponds.

**PHOTOGRAPH - 2**